



THE EAGLE

A Newsletter Published by the U.S. Attorney's Office

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From the desk of....

U.S. Attorney Thomas B. Heffelfinger



Dear Law Enforcement Colleagues:

While firearm-related violence is down across the nation, it still presents a major problem for law enforcement and citizens. Therefore, in this issue of *The EAGLE*, we address gun violence, offering Minnesota law enforcement information that might aid in the investigation and prosecution of gun cases as well as ideas that may help to improve school and community safety.

In addition to providing this material, we also take this opportunity to invite law enforcement across the State to become part of Project Safe Neighborhoods (PSN). PSN is a national initiative to combat the illegal use of firearms and accompanying violence.

In Minnesota, PSN takes a two-prong approach. First, our office, in partnership with several other Federal and State entities, is working to reduce gun violence and related crime on Minnesota's Indian reservations and in neighboring communities. Second, we are joining County Attorneys across the State to ensure that all gun crimes, regardless of where in the State they occur, are prosecuted where most effective.

In a number of offense categories, Federal prosecution will result in longer prison sentences than State prosecution. In gun cases, however, Minnesota mandates some very tough sentences. Law enforcement officials, therefore, must carefully consider every gun case to determine where prosecution will be best.

To that end, we invite each Minnesota County Attorney to name a "point of contact" for gun cases. That POC will review all firearm referrals and, after discussing the same with the POC in the U.S. Attorney's Office, decide where each case will best be litigated. The POC in the U.S. Attorney's Office is AUSA Nate Petterson, who may be reached at (612) 664-5600, for additional discussion of this important initiative.

Sincerely,

Law Enforcement Continues to Crack Down on Illegal Use of Firearms

Seven individuals allegedly responsible for a string of at least 17 armed bar robberies, mostly in the St. Paul area, were indicted by a federal grand jury recently.

Paris Cummings, age 24; Clyde Minor, age 24; Carlos McAdory, age 27; Tavaughn Combs, age 26; Lamont Gross, age 24; and Michael Kibble, age 25, all of St. Paul, as well as Sean Mason, age and address unknown, were charged with numerous counts of conspiracy, robbery affecting interstate commerce, and possessing a firearm during a crime of violence.

The victim bars included the Winner's Tavern,

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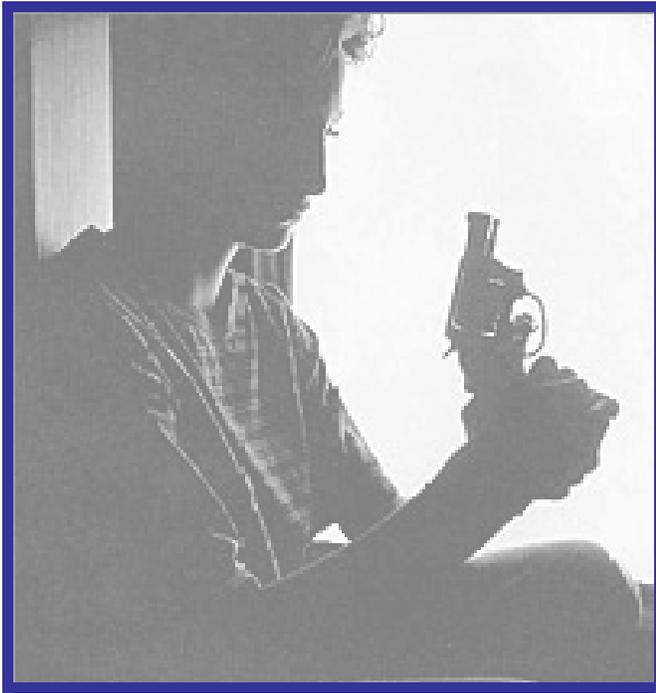
Inside this Issue:

**A Focus on
the Illegal Use
of Firearms**

Gun Violence Declines but Still Remains a Problem

Gun-related crime peaked in this country during the early 1990's. Since then, gun violence has steadily decreased. Gun-related deaths, for example, dropped by 25 percent between 1993 and 2001. In 2001, however, firearms still attributed to 29,573 fatalities. That's about 80 deaths per day. Of those deaths, 57 percent were deemed suicides while 38 percent were ruled homicides.

Center for Disease Control. 2002



Young People and Their Continued Use of Guns

In 1999, approximately 1,210 American juveniles were arrested for killing people with guns. While that figure is only one-third of the number arrested for the same crime in 1993, it still represents between three and four such deaths in this country each day. Moreover, guns are the number one way teens take their own lives. In 1999, about 1,062 teens killed themselves with guns—that's almost three a day.

National Youth Violence Prevention Resource Center

Black Males at Greatest Risk for Gun Violence

Young males face a higher risk of death by gunfire than their female counterparts. In 2001, the firearm death rate for males between the ages of 20 and 24 was almost ten times higher than that of females in the same age group. Black males between the ages of 20 and 24 had the highest gun-related death rate in 2001, with 106.5 deaths per 100,000 people. That means that black males died from gun-related injuries at a rate of more than ten times that of their white male counterparts.

Center for Disease Control, 2003

In 1999 alone, the Minneapolis Police Department confiscated 1,298 firearms, an average of 25 per week. Although a few of those guns were surrendered by people who no longer wanted them around, the overwhelming majority were taken from crime scenes or recovered during criminal investigations.

*"Minnesota Medicine,"
September, 2000*





Federal Firearm Laws

Possession or Receipt of a Firearm or Ammunition by a Prohibited Person:

Punishable by up to 10 years in prison. May receive a minimum sentence of 15 years without parole if offender has three or more prior convictions for a felony crime of violence (e.g., burglary, robbery, assault, homicide, rape) and/or a drug trafficking felony. See 18 USC 922(g) and (n).

“Prohibited Persons” Include:

- Felons as well as those awaiting trial on felony charges.
- Drug Users or Addicts.
- Aliens, including illegal aliens and aliens lawfully admitted under non-immigrant visas. “Green card” aliens are not prohibited persons under this section.
- Those Subject to Domestic Restraining Orders that prohibit contact, were issued after hearings, find the subjects to be threats, or prohibit the threatened use of force.
- Those with Prior Convictions of Domestic Assault, including any conviction of assault or threatened use of a deadly weapon, provided subject had the right to a jury trial and counsel.
- Fugitives from Justice.
- Those Dishonorably Discharged from the Military.

AND THE SUBJECT FIREARM OR AMMUNITION WAS TRANSPORTED ACROSS STATE LINES.

Knowingly Sells or Gives Firearms or Ammunition to a Prohibited Person:

Punishable by up to 10 years in prison. See 18 USC 922(d).

Uses, Carries, or Possesses a Firearm in Relation to or in Furtherance of a Drug Felony or a Federal Crime of Violence:

Punishment ranges from five years to life in prison without parole to death if death results from the use of the firearm, depending on type of gun involved, the number of offenses committed, and whether or not the gun was brandished or discharged. See 18 USC 924c.

Stolen Firearms or Ammunition:

Punishable by up to 10 years in prison. See USC 842 (h), 922(l)(j).

Unauthorized Possession or Discharge of a Firearm in a School Zone:

Punishable by up to five years in prison. See 18 USC 922 (q)(2)(a).

Knowingly Possesses or Manufactures Prohibited Firearms:

Punishable by up to 10 years in prison.

“Prohibited Firearms” Include:

- Machine Gun or Fully Automatic Firearm.
- Semi-Automatic Assault Weapon.
- Sawed-off Shotgun with a barrel length of less than 18 inches or an overall length of less than 26 inches.
- Sawed-off Rifle with a barrel length of less than 16 inches or an overall length of less than 26 inches.
- Guns with obliterated or no serial number.

Sentences Under Federal Law

Felon in Possession of a Firearm (18 USC 922(g)(1)):

A person with three or more convictions for a “violent felony” or a “serious drug offense” is classified as an “armed career criminal” and faces a mandatory minimum sentence of fifteen years in prison and a maximum sentence of life. See 18 USC 924 (e)(1).

- “Violent felonies” include robbery, assault, burglary, theft of a motor vehicle, terroristic threats, arson, escape.
- “Serious drug offenses” must involve manufacturing, distributing, or possessing with intent to

manufacture or distribute. Thus, fifth-degree sales will qualify, while first-degree possession will not.

A person with at least two felony convictions for a “crime of violence” or a “controlled substance offense” (definitions similar to those above) is looking at—

- Applicable guideline sentence:
 - Lowest is 41 to 51 months;
 - Typical is over five years.

A person with at least one felony conviction for a “crime of violence” or a “controlled substance offense” is looking at—

- Applicable guideline sentence:
 - Lowest is 24 to 30 months;
 - Typical is 30 to 37 months.

Continued on Next Page



Federal Sentences Continued from Page 3

A person with a felony conviction that does not qualify as either a “crime of violence” or a “controlled substance offense” is looking at—

—Applicable guideline sentence:
-Lowest is 10 to 16 months.

Possession of a Sawed-Off Shotgun, a Sawed-Off Rifle, a Machine Gun, or a Destructive Device (26 USC 5845, 5861):

A person with no prior felony convictions is looking at—
—Applicable guideline sentence:
-Lowest is 18 to 24 months.

A person with a prior felony conviction is looking at—
—Applicable guideline sentence:
-Lowest is 24 to 30 months.

A person with a prior conviction for a “crime of violence” or a “controlled substance offense” is looking at—
—Applicable guideline sentence:
-Lowest is 30 to 37 months.

A person with two prior convictions as described above is looking at—

—Applicable guideline sentence:
-Lowest is 46 to 57 months.

Possession of a Firearm by a Person Subject to a Domestic Restraining Order or With a Prior Conviction for Domestic Assault (18 USC 922(g)(8) and (9)):

—Applicable guideline sentence:
-Lowest is 10 to 16 months.

A Drug User in Possession of a Firearm (18 USC 922(g)(3)):

—Applicable guideline sentence:
-Lowest is 10 to 16 months.

**Note, numerous factors will affect the guideline ranges indicated herein. They will be approximately 25 percent higher if the defendant is convicted at trial. The ranges also may increase due to the defendant’s criminal history.*

Did You Know...

Federal Law prohibits juveniles (under the age of 18) from possessing a handgun or handgun ammunition except in cases of employment, military service, or with parental consent.

You can face up to one year in federal prison if you sell or give a handgun or handgun ammunition to a juvenile under circumstances other than those noted above.

You can get up to ten years in prison if you give a handgun or handgun ammunition to a juvenile, knowing that the juvenile will use it in a crime of violence.



State Firearm Laws

Misdemeanor Use of Dangerous Firearms:

Punishable by up to one year in jail and/or a fine of no more than \$3,000. See Minn. Stat. 609.66.

Included in the Statute:

Whoever (1) recklessly handles or uses a gun; (2) intentionally points at another a gun capable of injuring or killing; or (3) furnishes a child under 14 years of age a firearm or air gun of any kind without the permission of a parent or guardian or permits the use of such weapons outside the presence of a parent or guardian.

Felony Use of Dangerous Firearms:

Punishable by up to five years in jail and/or a fine of no more than \$5,000. See Minn. Stat. 609.66.

Included in the Statute:

Whoever (1) sells or has in possession a firearm

silencer; (2) intentionally discharges a firearm under circumstances that endanger another; or (3) recklessly discharges a firearm within a municipality.

Furnishing Firearms to Minors Without The Consent of Their Parent or Guardian:

Punishable by up to ten years in jail and/or a fine of no more than \$20,000. See Minn. Stat. 609.66, Subd. 1(b).

Possession of Firearm on School Property:

Punishable by up to two years in jail and/or a fine of no more than \$20,000. Exception for those authorized under the statute. See Minn. Stat. 609.66, Subd. 1(d).



Sentences Under State Law

Felon in Possession of a Firearm (Minn. Stat. 624.713, Subd. 1(b)):

Subject to Minn. Stat. 609.11. Predicate felony must be a “crime of violence” pursuant to Minn. Stat. 624.712, Subd. 5.
—Mandatory minimum sentence of 60 months.

Felon who Ships, Transports, Possesses or Receives a Firearm (Minn. Stat. 609.165, Subd. 1(b)):

Subject to Minn. Stat. 609.11. Predicate felony must be a “crime of violence” pursuant to Minn. Stat. 609.165, Subd. 1(b).
—Mandatory minimum sentence of 60 months.

Mandatory Minimums for Use of a Firearm in Certain Cases:

If the defendant or accomplice had in possession or used by brandishing, displaying, threatening, or otherwise employing a firearm in certain crimes, that defendant or accomplice is subject to a mandatory minimum prison sentence.

—The mandatory minimum is 36 months in prison for the first 609.11 gun offense and 60 months in prison for the second or subsequent such offense.

—Mere possession of a firearm at the time of a crime is enough to make the act subject to 609.11.

—The list of applicable crimes in Minn. Stat. 609.11, Subd. 9, includes murder, manslaughter, felony assaults, burglary, kidnapping, false imprisonment, robberies, witness tampering, most felony criminal sexual conduct (not fourth degree), escape, arson, driver-by shootings, harassment, stalking, felon in possession of a firearm, felony drug offenses, and any attempts of these offenses.

Possession of a Pistol Without a Permit (Minn. Stat. 624.714):

—First offense is a gross misdemeanor; second offense is a felony.

Possession of a Pistol While Under the Influence (Minn. Stat. 624.7142):

—First offense is a misdemeanor; second offense is a gross misdemeanor except alcohol concentration between .04 and .10 always is a misdemeanor.

Possession of a Short-Barreled Shotgun and Machine Guns (Minn. Stat. 609.67):

A “short-barreled shotgun” has a barrel of 18 inches or less in length or a shotgun total length of 26 inches or less. A “machine gun” is any fully automatic firearm.

—NOT subject to mandatory minimum sentences.
-Sentencing Guidelines Level 3 (1 year and a day stayed at zero criminal history).

Drive-By Shooting (Minn. Stat. 609.66, Subd. 1(e)):

This statute applies if the defendant shoots from a car or has “just exited” a car, and if the defendant fires toward a person, house, or vehicle.
—Mandatory minimum, as explained previously, applies.

Possession of a Firearm with a Removed or Altered Serial Number (Minn. Stat. 609.667):

Can be charged for either possession or the actual act of removal or alteration even if not in possession.

—NOT subject to mandatory minimum sentences.
-Sentencing Guidelines Level 1 (1 year and a day stayed at zero criminal history).

Information from the Hennepin County Attorney's Office



Did You Know...

Whoever possesses a firearm or ammunition within any courthouse complex or within the State Capitol area without authorization to do so is guilty of a felony under State law and is subject to up to five years in jail and/or a fine of no more than \$10,000.



America's Safe Schools Week October 17-23, 2004



The National School Safety Center, state governors, and state school superintendents sponsor America's Safe Schools Week every year. This year's observance will be October 17- 23.

Most people would agree that significant progress has been made in the area of school safety over the past several years. But, much more still needs to be done. America's Safe Schools Week serves as a reminder for those in education and law enforcement to get together and review school safety.

By this point in time, most schools have undergone security assessments. In addition, the vast majority of school boards have adopted school safety plans. But, when was the last time those assessments and plans were reviewed? Moreover, did the local school board ever adopt media guidelines for crisis situations? Were conflict resolution programs ever implemented for students? Did local teachers and staff receive adequate crisis-response training? Were policies created regarding bullying, diversity, and other important issues related to safety? Is there a good understanding regarding what student information local schools will release willingly to law enforcement in various situations?

Safe Schools Week offers a great opportunity to visit school officials, discuss the above questions, and complete any unfinished tasks relative to security.

The Role of Law Enforcement in School Safety Planning

1. Conduct meetings with representatives from the school and community emergency-response agencies to develop, coordinate, and update school safety plans.
2. Maintain updated information about school floor plans in the vehicles of first responders.
3. Work toward integrating various law enforcement and emergency response communication systems to ensure effective communication during crisis situations.
4. Develop and conduct regular training sessions on crisis response, inviting school administrators, teachers, and other school staff, as well as community emergency response agencies, to attend.
5. Establish or be a part of an established threat-assessment team, to be called in by the school to assess the credibility of—and needed response to—any serious safety threat.



Crisis Kits

Law enforcement should keep the following items together at strategic locations inside and outside every school. Common locations include a principal's office and the local police station.

- | | | | |
|---------------------|---------------------|----------------------------|------------------------|
| —Name tags | —Notebooks | —Pens and markers | —Hand radios |
| —Batteries | —First aid supplies | —Caution tape | —Blankets |
| —Megaphones | —Standard tools | —Basic student information | —Bus route information |
| —Teacher phone list | —Student phone list | —Current student photos | —Site information |



The Importance of School Resource Officers

School resource officer programs provide law enforcement officers in the schools. The primary purpose of such programs is to create a safe educational environment. In addition to “keeping the peace on campus,” however, most school resource officers are also expected to serve as a link between students and support services and teach law-related classes, such as DARE and GREAT.

School resource officer programs have been deemed beneficial by many. Often the officers are able to intervene in student conflicts before they escalate into major confrontations. Moreover, in many instances, these officers actually are able to prevent conflicts by addressing student concerns when first spotted. Finally, resource officers are asked routinely to assist school administrators develop strong security plans.

For many educational professionals, school resource officer programs represent the first time they have worked with members of the law enforcement community. It may take teachers and school administrators a while, therefore, to trust that community entities, such as law enforcement, truly possess expertise of benefit to schools and the students they serve. To ensure that the trust necessary to create and maintain an effective SRO program is garnered, school resource officers must be highly trained in (1) how to deal with young people; (2) state and federal laws governing student and parent rights; (3) social service options in the community; and (4) school safety planning.

COPS Office Funds School Resource Officers

Since its inception in 1994, the COPS office has provided approximately \$715 million in grants to 2,900 communities to hire 6,300 school resource officers through the COPS in Schools (CIS) program.

Each resource officer hired through the CIS program receives free training provided by the COPS office. In addition, the COPS office offers an array of free publications to assist school resource officers in their jobs.

For more information about the CIS program, visit the COPS website, at www.cops.usdoj.gov.



Resources to Help You Keep Your Schools Safe

- ◆ The Center for the Prevention of School Violence also offers information and suggestions for establishing an effective school resource officer program. Visit www.ncdjjdp.org/cpsv/sro.
- ◆ The International Association of Chiefs of Police offers a comprehensive guide to school safety, with information and suggestions for law enforcement, school officials, community leaders, students, and parents. Visit www.theiacp.org/pubinfo/pubs/svprev.
- ◆ The U.S. Department of Justice offers a detailed guide to the Family Educational Rights and Privacy Act (FERPA), which outlines federal law regarding the sharing of student information. Visit www.usdoj.gov and then do a publication search for “Sharing Information: A Guide.”





Student Pledge Against Gun Violence

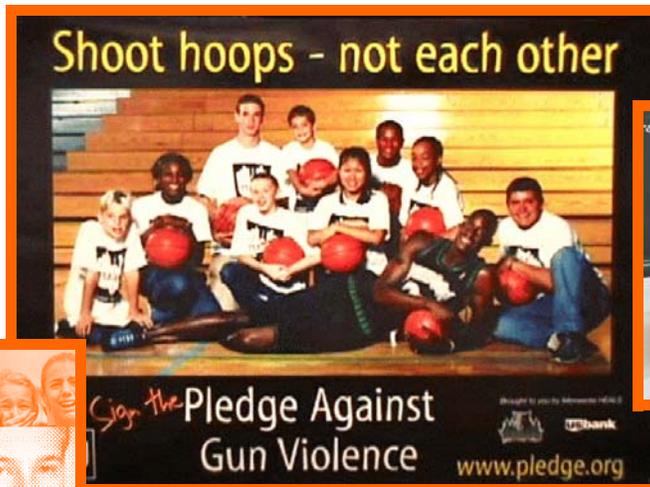
The U.S. Department of Education reports that during the 1998-1999 academic year, 3,523 students were expelled from our nation's schools for possessing firearms. While still troubling, this number represents a dramatic decrease from the 1996-1997 school year, when 5,724 students were expelled for the same infraction.

What has prompted this reduction in gun-related school incidents over the past several years? Some experts suggest the decrease is due to "zero tolerance" policies enacted by school boards across the country. Others contend that students themselves deserve much of the credit for establishing peer mediation groups, teen courts, and anti-school-violence events, such as the Student Pledge Against Gun Violence.

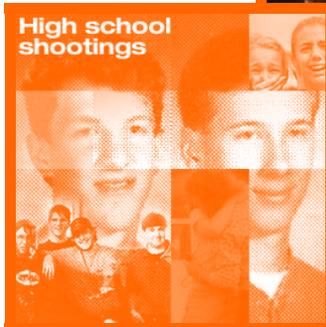
The Student Pledge and the corresponding Day of National Concern about Young People and Gun Violence was created in 1996 by Mary Lewis Grow of Northfield, Minnesota. Through her efforts, students across the nation set aside one day each fall to focus on gun violence in their schools and communities and what they might do to stop it. The day's events culminate with students pledging to (1) Never carry a gun to school; (2) Never resolve a dispute with a gun; and (3) Always use their influence with friends to keep them from resolving disputes with guns. Grow asserts, "That when students sign a common pledge in the company of their peers, knowing that millions of others across the country are doing the same, they send a powerful message—that they have the collective ability to reverse the violence that has affected too many of them over the years."

The Pledge is a non-political initiative supported by an array of organizations, including, but not limited to, the American Federation of Teachers, the National Association of Student Councils, the American Medical Association, the National Council of Churches, and the U.S. Congress.

This year's National Day of Concern is set for October 20, 2004. The Day presents a great opportunity for local law enforcement to work with students of all ages. For event ideas to share with school groups in your area, visit www.pledge.org.



Above: Over 3,000,000 students nationwide signed the 2002 Pledge



Above: The NBA's "Most Valuable Player," Kevin Garnet, shows his support for the Student Pledge Against Gun Violence by posing with teenage supporters of the project. (Order your free posters from Jeanne Cooney at the number on Page 16. Limit of 10 posters per order.)



After-School Programs & Youth Crime



The FBI's National Incident-Based Reporting System indicates that while adults are most often victimized between the hours of 9:00 p.m. and midnight, juveniles are at the highest risk of victimization during the four hours immediately following the end of the school day—2:00 to 6:00 p.m. In addition, the NIBRS data suggest that juveniles commit violent crime four times more often between the hours of 3:00 and 7:00 p.m. on school days than they do after their weeknight curfew of 10:00 p.m. The FBI also reports that one in five of the juveniles arrested for violent crimes admits to carrying a gun all or most of the time.

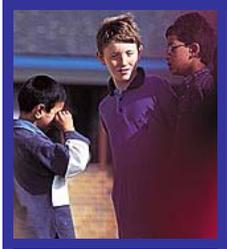
In its 1999 report to Congress, the Office of Juvenile Justice and Delinquency Prevention, which is a component of the U.S. Department of Justice, stated that juvenile violence most frequently occurs among unsupervised groups of adolescents. The report alleged that young people who were supervised by adults after school seemed to be far less delinquent than their unsupervised counterparts. The OJJDP concluded by saying that the findings support the use of adult-supervised, after-school programs in an effort to decrease juvenile delinquency and victimization.

After-school programs, however, do not always yield the desired result of a reduction in after-school crime by and against juveniles. The reason for this failure, says the OJJDP, is that some young people who desperately need supervision refrain from getting involved in these programs due to peer pressure or a fear of not fitting in with other students.

To increase the effectiveness of these programs, the International Association of Chiefs of Police suggests that schools and communities—

- Offer as many positive program options as possible;
- Make many of the programs free of charge or at least provide scholarships;
- Provide the programs at convenient locations;
- Work to ensure that the programs are long-lasting, so students and parents can come to depend on them and work them into their schedules;
- Ensure that all programs support and emphasize academic advancement by providing at least some study time and schoolwork assistance ;
- Encourage social and moral development in all programs by stressing good sportsmanship, team play, helping others, sharing, cooperation, respect, and tolerance.





Bullying: A Problem in American Schools

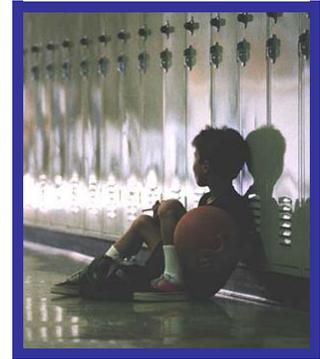
The Center for Disease Control reports that less than one percent of all homicides among American school-aged children (5-19 years of age) occurs at school, on school playgrounds, or on the way to or from school. According to the National School Safety Council, however, an estimated 525,000 student “attacks” occur during an average month in American public secondary schools, and approximately 160,000 children miss school every day in this country because they are afraid of fellow students.

“Bullying” is the term commonly used by students and educators to describe the intimidating behavior that occurs in our nation’s schools. Ronald Pitzer, a family sociologist and professor at the University of Minnesota, describes “bullying” as “teasing and name-calling” in addition to “hitting and beating.” He also states that a recent Midwestern study suggests that around 77 percent of all students have been bullied at one time or another.

Pitzer asserts that bullying is most common in Grades 2 through 6 but most serious in Grades 6 through 9. He contends that bullies are “angry kids who usually are bullied at home by parents or older, bigger siblings.” Bullying, says Pitzer, is not normal childhood behavior. “Children who show such patterns of aggression are more likely to be involved in criminal behavior later in life.” The National Mental Health and Education Center (NMHEC) adds that bully victims are also prone to future criminal activity.

The NMHEC also reports that students express little faith in educators when it comes to responding to bullying. Over two-thirds of students believe that adult help in such situations is infrequent and ineffective. That skepticism seems reasonable, says the NMHEC, since teachers reportedly intervene in only four percent of bullying incidents.

The NMHEC asserts that our society must stop dismissing bullying as a natural part of the growing process. Parents, school officials, and law enforcement need to work together to stop bullying before it leads to more violent behavior.



School Violence
Work With Your Schools to Stop it



Together, Parents, Teachers, and Police Can Curb Bullying—

1. Work together to clearly define what constitutes bullying.
2. Establish specific rules prohibiting bullying and detailing the consequences for such behavior.
3. Create a reporting process that protects reporters, victims, and witnesses, as well as the accused.
4. Draft policies as to when parents and others, including law enforcement, should be called in relative to bullying incidents.
5. Regularly conduct school surveys regarding the prevalence, locations, and times of bullying incidents, so additional steps can be taken to curb the problem.
6. Identify school and community resources for bully victims as well as for bullies.
7. Establish and incorporate into school coursework, when possible, “core values,” such as respect.

International Association of Chiefs of Police



Keys to Effective Violence-Prevention Programs

The Minnesota Medical Association contends that the most successful violence prevention programs work to decrease risk factors while promoting “protective” factors.

The MMA states that risk factors for violence include (a) a lack of strong family bonds; (b) a lack of connection to school or community; (c) association with violent people; and (d) a lack of critical-thinking and problem-solving skills. “Proactive” factors include (1) strong social bonds with parents, teachers, coaches, or other positive adults; (2) continued reinforcement of strong values and clear standards of acceptable behavior, with such lessons coming from the home, the school, and the community; and (3) good individual characteristics, such as high cognitive functioning and resilience.

According to the MMA, the most effective violence-prevention initiatives—

- ◆ Clearly establish and enforce high standards and behavioral norms;
- ◆ Provide skill-based training or rehabilitation;
- ◆ Engage caring and knowledgeable adults;
- ◆ Are targeted and focused;
- ◆ Reduce opportunities for antisocial or violent behavior; and
- ◆ Provide support and follow-up.



Cognitive Skills Training

As stated by the MMA, one major risk factor for violence is poor cognitive skills. To address this problem, the International Association of Chiefs of Police urges teachers and other professionals who work in the schools, including school resource officers, to—

- ◆ Teach “means-ends” thinking, through which students are taught to reach their goals by (1) planning step by step; (2) identifying potential obstacles as they move forward; and (3) accepting that problem solving often takes time.
- ◆ Teach “analytical” thinking, through which students consider the pros and cons of the various actions that they might take in response to a given situation.
- ◆ Teach “alternative solution” thinking, through which students are encouraged to seek new and creative solutions to common problems.
- ◆ Teach “consequential” thinking, through which students are encouraged to ponder the various outcomes that may result from a specific course of action.

The development of these thinking skills may go a long way in helping young people become more rational and, therefore, less prone to violence. Thus, everyone working with students is urged to talk to the school psychologist or counselor about how these lessons may be incorporated into classroom activities.

Did You Know...

The Ad Council’s recent research into gun violence, particularly among youth, found that young people do not respond in a “rational manner” to the threat of punishment—even certain punishment.

Instead, the Ad Council says, young people seem to reduce their gun-crime activity only when—and if—they think about how that activity might affect their families. “The loss of being with family, the hurt imposed upon family, and the other hardships that the family may face if the young person is incarcerated or killed due to his involvement with guns had the greatest impact on the target audience.”

Based on these findings, the Ad Council has developed several public service announcements reminding young people the “family” consequences of gun violence. Those announcements will be aired nationally in the coming months.



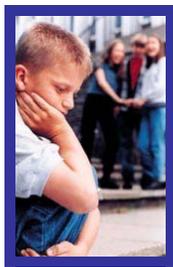


Gun Violence: A Public Health Issue

According to Center for Disease Control, deaths by firearms represent one in every five “injury” deaths in this country. In addition, firearms account for close to 60,000 of the nonfatal injuries treated in our nation’s emergency rooms each year.

In a 2001 Johns Hopkins University study, researchers found that 35 percent of the adults in this country lived in a household with a gun. According to the *New England Journal of Medicine*, the homicide of a household member is about three times more likely to occur in homes with guns than in homes without guns. Moreover, the risk of suicide of a household member is increased by approximately five times in homes with guns.

The medical bills for gun-related injuries are mounting. The American Association of Orthopedic Surgeons estimates that the medical costs of gun violence exceed \$4 billion annually, while Johns Hopkins University suggests that about 49 percent of that amount is paid by the public.



A Public-Health Approach

According to the Center for the Study and Prevention of Violence, the time has come for a public-health approach to solving the gun-violence problem in this country. Such an approach would entail:

- Utilizing community-based methods for identifying related issues and developing possible solutions to gun violence;
- Objectively collecting firearm-injury data in an effort to determine risk factors and trends related to the gun violence;
- Undertaking epidemiological analysis of the gathered data so as to create sound public policy;
- Creating an appropriate “intervention” protocol as well as proper evaluation measures; and
- Conducting public education and outreach.

Private Guns, Public Health, by David Hemenway



In his recently-released book, *Private Guns, Public Health*, David Hemenway, Director of Harvard Injury Control Research Center, offers his guide to understanding and addressing gun violence in this country.

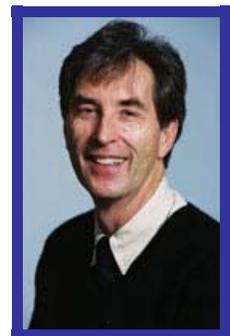
In the book, Hemenway, an economist and one of the nation’s foremost experts on injury prevention, details the latest research on gun ownership and use in this country. Then, he goes on to explain how gun violence might be reduced by implementing a “public-health” approach to combating the problem.

Hemenway argues that a “public-health” approach, which emphasizes prevention over punishment, and which has been successful in reducing the rates of injury and death from infectious disease, car accidents, and tobacco consumption, could easily be applied to gun violence.

“I don’t think outlawing guns makes sense,” Hemenway said recently. “Some people like to hunt with guns. They target shoot. That’s fine. Public health dictates, however, that there are lots of things that can be done to lessen the problem of gun violence without banning guns.”

Hemenway argues that current product safety requirements for guns are minimal, and loopholes in existing laws make enforcement difficult. “We have not outlawed cars,” Hemenway said. “We have just outlawed cars without seat belts. A similar approach can be applied to guns.”

Regardless of your views on gun ownership or the regulation of firearms, you will find *Private Guns, Public Health* an interesting and informative read.



David Hemenway





The Bureau of Alcohol, Tobacco, Firearms and Explosives

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is a component of the U.S. Department of Justice. ATF's enforcement activities support the Department's strategic goal of "enforcing Federal laws and representing the rights and interests of the American people." Through investigation of violations of Federal laws related to firearms, arson, and explosives, as well as alcohol and tobacco, the agents at ATF strive to protect the public.

ATF investigates fires, bombings, and the criminal possession and use of firearms and explosive materials. ATF has a myriad of resources available to assist Federal, tribal, State, and local law enforcement. Some of those resources include certified fire investigators, certified explosives specialists, explosives technology experts, forensic chemists, electrical and fire protection engineers, auditors, accelerant and explosive detection canines, and investigative analytical databases.

One of ATF's primary missions is to provide assistance to Federal, Tribal, State and local law enforcement. The St. Paul Field Division is responsible for ATF operations in the states of Wisconsin, Minnesota, North Dakota, South Dakota, and Montana. ATF has sixteen offices located in these five States, and each reports to the Special Agent in Charge in St. Paul. Agents are available to assist law enforcement agencies 24-hours a day, 7-days a week, and can be reached at the following telephone numbers:

St. Paul Division	651-726-0200
St. Paul Field Office	651-726-0300
Fargo, North Dakota	701-239-5176 (serves northwestern Minnesota)
Sioux Falls, South Dakota	605-330-4368 (serves southwestern Minnesota)

Information from the ATF, St. Paul Office

Firearms Tracing

Gun tracing is the systematic tracking of a firearm from the first sale by the manufacturer or importer, through the distribution chain, and onto the initial retail purchaser. Gun tracing information is used to link a suspect to a firearm in a criminal investigation, to identify potential illegal traffickers, and to detect in-state and interstate patterns in the sources and kinds of guns used in crimes.

The ATF National Tracing Center (NTC) can trace a gun to its first retail purchaser in an average of 11.4 days. Trace information is made available to Federal, tribal, State, and local law enforcement officers, frequently providing leads to suspects, associates, victims, and witnesses not obtainable through other sources.

In addition to aiding law enforcement with investigations, gun tracing can provide data that may help law enforcement agencies decide how best to focus their limited resources.



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ATF, Continued from Page 13



Armed Career Criminal Investigations

ATF will work in partnership with other law enforcement entities to remove armed career criminals, armed criminal organizations, armed drug traffickers, and illegal firearms traffickers from our nation's streets. Federal law provides a minimum mandatory term of imprisonment of 15 years for anyone convicted of being a felon in possession of a firearm following three previous convictions for violent felonies or serious drug offenses. ATF Agents will assist law enforcement agencies in investigating these cases. See 18 U.S.C. 924(e); 18 U.S.C. 922(g).

Straw Purchases of Firearms

ATF agents can assist local law enforcement in the investigation of "straw purchase" firearm transactions. A "straw purchase" occurs when an actual gun buyer has someone else claim to be the firearm purchaser. This claim is made through the execution of ATF Form 4473, "Firearms Transaction Record," which is provided by the licensed firearm dealer.

In some instances, a straw purchaser is used because the actual buyer is prohibited by law or by his or her state of residence from purchasing a firearm. In other instances, neither the actual gun buyer nor the straw purchaser is prohibited from participating in the transaction; but, for some reason, the actual gun buyer does not want to be associated with the purchase.

A straw purchaser violates Federal law when he or she identifies himself as the true gun purchaser on Form 4473. The actual gun buyer also violates Federal law by aiding and abetting another in the making of false statements. Finally, if the licensed firearm dealer involved in the transaction is aware of the false statements being made, he or she too violated Federal law.

NIBIN

ATF provides investigative support through the National Integrated Ballistic Information Network (NIBIN). The NIBIN allows bullet and casing evidence to be entered into the Integrated Ballistic Identification System (IBIS). Images of that evidence are then correlated against other entries in the system. Search results will alert examiners to possible matches. This technology can help investigators connect two crimes or connect a crime to a recovered firearm. In Minnesota, NIBIN machines are available at the Bureau of Criminal Apprehension, the Minneapolis Police Department, and the Hennepin County Sheriff's Department.



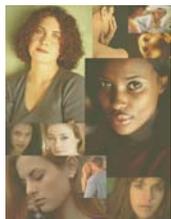
For more specific information about ATF assistance in any of these areas, call the Special Agent in Charge, in St. Paul, at (651) 726-0200.

Licensed Firearms Dealers

ATF issues Federal firearms licenses (FFLs) to individuals who and businesses that want to sell firearms at retail. Transaction records are required to be kept by FFLs for firearms transferred out of their inventory. Those records are the property of ATF but maintained by the FFL as long as the FFL is in business or for a period of 20 years, whichever is less. If the FFL goes out of business, the transaction records are to be sent to the ATF's record repository.

**Are You
Keeping in Touch
with the
Licensed Firearms Dealers
in your Area?**





Guns and Domestic Violence

People who have been convicted in any court of a misdemeanor crime of domestic violence or those who are subject to a domestic restraining order generally are prohibited under Federal law from possessing, transporting, shipping, or receiving any firearm or ammunition. See 18 USC 922(g).

A qualifying restraining order is one issued after a hearing, of which the subject was given notice and at which the subject had the opportunity to participate. The order also must find the subject a credible threat to the physical safety of a current or former intimate partner or child and prohibit the subject's use of threats, force, or harassment against that person.

Moreover, Federal law prohibits the sale or distribution of firearms or ammunition to any person who has been convicted of a misdemeanor crime of domestic violence or is subject to a domestic restraining order as outlined above. See 18 USC 922(d).

Domestic violence, however, is a crime most frequently and effectively prosecuted at the local level; and these Federal laws are not meant to change that course of action. Instead, the purpose of these laws is to provide local law enforcement with another tool, to be used when—and if—truly needed.

If you have a case that you would like to be considered for Federal prosecution, contact AUSA Nate Petterson, at (612) 664-5611.

Restoration of Rights

Federal law prohibits convicted felons and certain other people from possessing firearms. The Gun Control Act of 1968, however, provides relief from that prohibition if a determination is made that the subject is unlikely to act in a manner dangerous to public safety. Authority for determining this relief is delegated to ATF.

Since October 1992, ATF's annual budget appropriations have not allowed for the expenditure of any funds to investigate or act upon any applications for relief from Federal firearm prohibitions. Until such time as this provision is removed from ATF appropriations, the agency will be unable to act upon applications for restoration of gun rights.

In the meantime, the only option for people who want to restore their gun privileges following a Federal conviction is to seek a presidential pardon. For people convicted of a state offense, they should contact the State Attorney General's Office for possible alternatives.



Crackdown on Illegal Use of Firearms, Continued from Page One

Scooter's Bar, John & Paul's, Skarda's Bar, Billy's Victorian Bar, the Knightcap Bar, the Viaduct Inn, the Mounds Park Lounge, Ron's Bar, the Gopher Bar, Kelly's Depot Bar, and the New Frontier Saloon, all in St. Paul; along with the 331 Club in Minneapolis, the Commercial Club in West St. Paul, and the Richfield VFW.

The robberies generally happened near closing time. The armed robbers entered the bars, ordered everyone to get down on the floor, and took money from the cash registers and pull-tab booths. On several occasions, patrons sustained injuries during the incidents.

If convicted of these charges, each defendant will face a minimum of seven years in prison for possession of a firearm during a crime of violence. Each subsequent conviction will add an additional mandatory minimum of 25 years in prison. Each count of conspiracy and robbery affecting interstate commerce carries a maximum potential penalty of 20 years in prison and/or a \$250,000 fine. The sentences will be determined by a Federal judge, based on the Federal sentencing guidelines.

This case is the result of an investigation involving the ATF, the St. Paul Police Department, and the Ramsey County Sheriff's Office. The police departments from Minneapolis, Golden Valley, West St. Paul, Richfield, and Mounds View, as well as the Minnesota Gang Strike Force, also worked on the investigation. Assistant U.S. Attorneys Erica MacDonald and Chris Wilton are prosecuting the case.

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Crackdown on Illegal Use of Firearms, continued from Page 15



In another recent case, a 27-year-old St. Cloud man, who allegedly robbed the Liberty Savings Bank in St. Cloud at gun point on July 24, 2004, was indicted by a Federal grand jury. Edwin Martinez, Jr., was charged with one count of armed bank robbery relative to the incident.

According to the Complaint in the case, Martinez allegedly entered the bank, approached a teller, and demanded money. As he spoke, Martinez allegedly pulled a handgun from his waistband and pointed it in the direction of the teller. Later, a St. Cloud police officer responding to the bank's alarm noticed a man matching Martinez's description walking just south of the bank. The officer stopped the man and, during a pat-down, found a wad of cash in the mans pants' pocket.

If convicted, Martinez faces a maximum penalty of 25 years in prison and/or a \$250,000 fine. The FBI worked with the St. Cloud police on the investigation of this case. Assistant U.S. Attorney Erika Mozangue is prosecuting the case.



Finally, in another recent case, a Mankato, Minnesota, woman and her boyfriend, who allegedly stole cash, collectibles, and firearms from a friend's home, were indicted by a Federal grand jury for aiding and abetting a felon in possession of a firearm and for possession of stolen firearms.

According to the Complaint filed in the case, Nichole Prouty, age 25, from Mankato, and her boyfriend, Troy Brandsgaard, age 34, address unknown, were staying at the home of Brandsgaard's friend in Detroit Lakes, Minnesota, when, on May 10, 2004, they stole five handguns, approximately \$8,000 in cash, antique coins, and baseball cards from that friend. On May 11, 2004, police executed a search warrant at Prouty's Mankato apartment and recovered the cash and firearms.

Brandsgaard has a 1998 felony conviction from Windom, Minnesota, for terroristic threats. Prouty has a 2002 felony conviction from Marshall County, Iowa, for forgery. As a result, Prouty and Brandsgaard are prohibited by Federal law from possessing firearms. Therefore, if they are convicted on these latest charges, each will face a maximum penalty of ten years in prison and/or a \$250,000 fine on each count.

This case is the result of an investigation by the ATF, the Detroit Lakes Police Department, the Blue Earth County Sheriff's Office, and the Mankato Police Department. Assistant U.S. Attorney Michelle Jones is prosecuting the case.

Material from Karen Bailey, U.S. Attorney's Office

THE EAGLE

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